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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF
3 SOUTHERN DIVISION
4 CHARLES HADDAD,
5 Plaintiff,
6 vs. Case No. 04 CV 74932
7 INDIANA PACERS, an assumed name a/k/a
8 PACERS BASKETBALL CORPORATION, an
9 Indiana Corporation, JERMAINE O'NEAL,
10 and ANTHONY JOHNSON,
11 Defendants.
12 VOLUME II
13 DEPONENT: CHARLIE HADDAD
14 DATE Friday, April 28th, 2006
15 TIME: 9:10 a.m.
16 LOCATION: 5510 Woodward Avenue
17 Detroit, MI 48202
18 REPORTER: Nikki Hatz, CSR-2377
19 APPEARANCES:
20 MR. L.S. CHARFOOS
21 Charfoos and Charfoos
22 5510 Woodward Avenue
23 Detroit, MI 48202
24 313-875-8080
25 Appearing on behalf of Plaintiff.

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1 APPEARANCES: (continued)
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8 Appearing on behalf of Defendant,
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23 Anthony Johnson.
24
25

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1 Detroit, Michigan
2 Friday, April 28th, 2006
3
4 * * *
5
6 EXAMINATION
7 BY MR. POTTER:
8 Q Mr. Haddad, again, my name is Steve Potter.
9 I represent the Indiana Pacers in a lawsuit you filed
10 against the Pacers and certain of their players. This is
11 a continuation of your deposition. You understand that
12 you are still under oath?
13 A Yes.
14 Q You need to answer the questions as
15 truthfully as possible. You understand that, correct?
16 A Yes.
17 Q Also, I'm going to readvise you that if you
18 don't understand a question, you let me know. I will
19 rephrase it. And if you answer I'll assume that you
20 understood it and the transcript is truthful.
21 A Yes.
22 Q Before we get into the damage issue, we did
23 receive an Amended Disclosure Statement from your lawyer.
24 I would like to ask you about who some of these people
25 are on here.

1 (Pages 158 to 161)

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1 Who is Audia: A-u-d-i-a Twab:
2 T-w-a-b. Who is that?
3 A These were all -- well, they still are
4 customers, all of them, that see me like every day when I
5 was in the store.
6 Q Are you saying before the incident?
7 A Well, they -- yes, they still come in.
8 Q How frequently does Audia Twab see you
9 currently?
10 A Every other week, every week.
11 Q Why does he see you every week or every other
12 week?
13 A I mean he comes in the store every day.
14 Q So you're there -- strike that.
15 Why would he come into the store every
16 day?
17 A He lives in the area.
18 Q He is using it as a convenience store?
19 A Yes. Like the actual store, he comes in.
20 Customer, so.
21 Q So he's not seeing you for phones?
22 A Well, I don't do just phones. I help out in
23 the whole store. It's not just --
24 Q Daman Anderson, that's a customer too?
25 A Yes.

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1 Q How often does Mr. Anderson see you
2 currently?
3 A Very little. I mean I don't -- haven't seen
4 him in a while, probably like two weeks, three weeks.
5 Q So you see him what; couple times a month?
6 A If that, yes.
7 Q Do you have a social relationship with
8 Mr. Anderson? By that I mean do you go out to the bar or
9 movies or dinner or something with him?
10 A I went out with him a few times.
11 Q When is the last time you went out with
12 Mr. Anderson?
13 A I can't remember.
14 Q Was it before the incident at the Palace or
15 after?
16 A It was probably --
17 MR. CHARFOOS: Don't guess.
18 A I don't know. I mean if I see him somewhere.
19 I mean we kind of eat at the same restaurant, you know.
20 Q What restaurant would that be?
21 A Gracie's.
22 Q Where is that?
23 A Down the road from my house.
24 Q Do you have a social relationship with Audia
25 Twab?

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1 A I don't know what you mean social.
2 Q Well, when you say you see him in the store,
3 I don't call that a social relationship.
4 Do you see him outside the store where
5 you're eating with him for some reason or you're going
6 bowling or going to shoot pool or doing whatever it is you
7 do in your life when you're not working?
8 A I see him places.
9 Q How frequently do you see him socially --
10 A I don't remember.
11 Q Let me finish before you answer.
12 How frequently do you see him socially;
13 Mr. Twab?
14 A Once every couple months.
15 Q What kinds of things do you do with Mr. Twab?
16 A I mean he's kind of like -- he comes to the
17 store a lot. So he knows like my brothers -- my brothers
18 just had newborn, so he goes over there or whatever.
19 Q I don't know what whatever means. So you see
20 him at your brothers?
21 A Like they just had a, pass a one year
22 birthday. Seen him at the one year at the banquet haul.
23 Then like stuff like that. I don't go out into the
24 movies with him or anything like that.
25 Q How about Adrian Smith; who is that?

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1 A That's a good customer too.
2 Q Do you see Mr. -- strike that.
3 How frequently do see you Mr. Smith
4 currently?
5 A Every two weeks. Every other week.
6 Q Do you see Mr. Smith at places other than
7 where you work?
8 A Yes.
9 Q Where do you see him when you're not working?
10 A He sometimes cuts my hair.
11 Q Is that what he does for a living?
12 A Yes. He's a barber.
13 Q What's the name of his shop?
14 A I don't know.
15 Q You don't know the name of where you get your
16 hair cut?
17 A No. I just know his name and number.
18 Q Where is it located?
19 A In Saginaw.
20 Q Street?
21 A On, I think on either Genesee Road or on
22 Gratiot.
23 Q What's his phone number?
24 A I don't have it on me right now. My phone is
25 not with me. I put the phone number down.

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1 Q How did you get here today?
2 A I drove.
3 Q By yourself?
4 A Yes.
5 Q What kind of vehicle did you drive?
6 A Fort Explorer.
7 Q You drove from?
8 A My brother's house.
9 Q Burton?
10 A No.
11 Q Where is your brother's house?
12 A In Clarkston.
13 MR. CHARFOOS: We have gone through
14 this, Counsel.
15 Q Why were you in Clarkston last night?
16 A I was in Clarkston. It was only a 25 minute
17 drive from Clarkston.
18 Q You stayed there to break up the drive?
19 A Yes.
20 Q Kent Greenfelder, who is that?
21 A Can we like take a second?
22 MR. CHARFOOS: That's the name you're
23 dropping? That name, is that the name you told me
24 to drop?
25 THE WITNESS: No, no.

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1 MR. POTTER: You can go off the
2 record.
3 MR. CHARFOOS: You want to talk to me
4 for a minute?
5 THE WITNESS: Yes.
6 MR. CHARFOOS: Excuse me for just a
7 minute.
8 (Brief recess.)
9 MR. CHARFOOS: Go ahead. He just
10 didn't understand why we were doing this from a
11 layman's viewpoint.
12 MR. POTTER: Back on the record.
13 We're back on the record.
14 Q Mr. Haddad, I'm asking you questions about
15 these people because they have been identified as
16 potential witnesses on your behalf. That's why I'm
17 asking you questions about these people.
18 A Agree.
19 MR. CHARFOOS: He understands now.
20 Q Who is Kent Greenfelder?
21 A He comes in the store a lot too.
22 Q Customer?
23 A Customer.
24 Q Do you see him at places other than where you
25 work?

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1 A Sometimes. No.
2 Q How frequently do you see him at work?
3 A Once a month. Once.
4 Q Do you have addresses on these people by any
5 chance?
6 A I can get them all.
7 Q Belinda Neitzelt: N-e-i-t-z-e-l-t. Who is
8 that?
9 A She's a good customer too.
10 Q How frequently does she come in the store?
11 A She comes in quite a bit.
12 Q How frequently do you see her in the store?
13 A Once every week, two weeks.
14 Q Do you see her outside of the store?
15 A Yes.
16 Q Where?
17 A She stops. She comes. She stops by the
18 house and all that.
19 Q She is a friend of the family?
20 A Yes.
21 Q Is Mr. Greenfelder a friend of the family?
22 A They're all friends of the family, if you
23 consider.
24 Q Okay.
25 A Not really like my parents but you can

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1 consider them all friends.
2 Q Friends of the extended family?
3 A Yes. Like we all associate. They come in a
4 lot. They see me. They knew who I was before and how I
5 am now, so.
6 Q But they're all friends of the family,
7 correct?
8 A Correct.
9 Q Now these five people that I just identified,
10 do any of them do business with you in your phone
11 business?
12 MR. CHARFOOS: Go through them again
13 by name.
14 Q Let's take them one at a time currently.
15 A I don't just do phones. I do the whole
16 store.
17 Q The whole store but you're the one
18 responsible for phones?
19 A Not -- no, no. I'm not the only person.
20 Q I thought we established that in the last
21 deposition that you were primarily responsible for the
22 phone business in the store.
23 A Before or after?
24 Q Before.
25 A I was responsible for the whole store. These

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1 are the people that come into the whole store I named.
2 Q You said you were responsible for the whole
3 store?
4 A Yes.
5 Q And you're currently responsible for the
6 whole store when you work, correct?
7 A Correct. The phone -- I mean it's just like
8 something else in the store. Let's say I was responsible
9 just for the --
10 Q I understand. Is there a separate business,
11 that you operate the phone business under a separate
12 name?
13 A No. It's the whole store.
14 Q So there's no different separate name for the
15 phone business?
16 A We call it a different name.
17 Q What's the name of the phone business?
18 A I mean there's people call it Platinum Plus.
19 People call it Charlie's. They call it Good Times.
20 There's I mean all different names.
21 Q I don't care what people call it.
22 A I mean it's not really like a d/b/a or
23 anything.
24 Q What do people who own the business, which
25 would be you and your family, call the phone business?

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1 A Platinum Plus. Sorry.
2 Q Platinum Plus is not a d/b/a or?
3 A No, nothing like that.
4 Q Or a C-corp or some type of other financial
5 entity?
6 A No.
7 Q It's just a name associated with the phone
8 business at the Good Times Store?
9 A Yes.
10 Q So Platinum?
11 A Yes. We had to get a different line just
12 because there was so many calls coming in. So we had to
13 like name it something else. So when we get our check or
14 we got the deposit comes in the Burt Enterprises is the
15 account, the whole account.
16 Q When you say you had to get a separate line,
17 you mean the phone line into the store?
18 A Basically, yes.
19 Q So when somebody calls into the store on that
20 phone line, does somebody answer: Platinum Plus?
21 A They answer Platinum Plus, sir.
22 Q So does Platinum Plus employ anybody or are
23 they all, all the people?
24 A They are all employed in the store.
25 Q They're all employed by Good Times Store?

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1 A Yes.
2 Q Do you have contracts with I would assume
3 cellular phone providers in order to sell their phones,
4 correct?
5 A Uh-huh.
6 Q Yes.
7 A Yes.
8 Q Are those contracts between the cellular
9 phone providers and Platinum Plus or cellular phone
10 providers and some other entity or person?
11 A Repeat that one more time.
12 Q Yes. Are the contracts with the vendors to
13 cell phones -- strike that.
14 Are the contracts that Good Times has or
15 somebody has with the phone vendors, are those contracts
16 with, between the phone vendors with Good Times or with
17 Platinum Plus or with some other person or entity?
18 MR. CHARFOOS: If you know.
19 A I don't know.
20 Q Who takes care of the business side of the
21 sales of the phones at the Good Times Store?
22 A I don't really understand your question.
23 Q Well, I got a friend who is into Wireless
24 Toyz. He's got a franchise in Wireless Toyz out in the
25 Cleveland area. He has got to deal with --

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1 A Company.
2 Q -- every cell phone provider on discounts, on
3 pricing, on all kinds of -- so the contract is through
4 the customer and you?
5 A No. It's through the provider and the
6 customer.
7 Q I understand that phone service is between
8 the phone service and the customer but when you're
9 selling somebody's product don't you have a business
10 relationship with them? In other words, that sets the
11 term and conditions how you can sell their product; how
12 you display their product; how you price their product,
13 etcetera?
14 A I'm sure. Yes.
15 Q Who does that at Good Times with the cellular
16 phone -- strike that.
17 Good Times sells cellular phones,
18 correct; Platinum Plus?
19 A Yes.
20 Q Inside Good Times sells cellular phones,
21 correct?
22 A Right.
23 Q You sell cellular contracts; phone contracts
24 as well with whatever cellular phone provider that person
25 wants to go with. Correct?

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1 A Yes.
 2 Q So who handles the business dealings with
 3 those cell phone companies at Burt Enterprises; who does
 4 that?
 5 A Either me or my father.
 6 Q How many different cellular phone companies
 7 do you service at that store?
 8 MR. CHARFOOS: When?
 9 Q Now.
 10 A There's --
 11 Q Just name them. Start naming them. Nextel?
 12 A Yes.
 13 Q Verizon?
 14 A Yes.
 15 Q Cingular?
 16 A No.
 17 MR. POTTER: Help me out here.
 18 MR. CHARFOOS: He knows.
 19 A There's Boost. Boost; T-Mobile. Page Plus
 20 is prepaid.
 21 MR. HAMIDI: What was that last one?
 22 THE WITNESS: Page Plus.
 23 A There's like Amp Wireless is new.
 24 Q Amp?
 25 A Yes.

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1 Q A-m-p?
 2 A Yes. Wireless. That's all I remember.
 3 That's the most our basic sales.
 4 Q Nextel, Verizon, Boost, T Mobile, Page Plus
 5 are your base?
 6 A Sprint.
 7 Q Sprint?
 8 A Yes.
 9 Q Are there written contracts between Good
 10 Times or Burt Enterprises and those cellular phone
 11 providers that set forth the terms and conditions upon
 12 which those two entities do business with each other?
 13 A I don't know. I don't.
 14 MR. CHARFOOS: You have answered.
 15 You don't know.
 16 Q Do you know the name of the Nextel rep that
 17 services Burt Enterprises?
 18 A No.
 19 Q Do you know the name of the Verizon rep?
 20 A No.
 21 Q Do you know the name of the Boost rep?
 22 A No.
 23 Q Page Plus?
 24 A No.
 25 Q Amp Wireless?

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1 A Well, that's a new company. That hasn't been
 2 out yet.
 3 Q Sprint?
 4 A Yes. No. I mean we go through -- we go
 5 through a company.
 6 Q What do you mean?
 7 A Like we go through -- we're a subdealer
 8 through a company.
 9 Q What company?
 10 A That company, Simplicity Wireless. I mean.
 11 Q Where is Simplicity Wireless located?
 12 A Out of, I think San Diego, California.
 13 Q Who is the rep from Simplicity Wireless that
 14 services Burt Enterprises for Simplicity Wireless; do you
 15 know the name?
 16 A It was -- her name was Dalia.
 17 Q Say it again.
 18 A Dalia.
 19 Q Do you know last name?
 20 A No, I don't.
 21 Q Is it somebody different now?
 22 A I think it's either her or I don't know if
 23 she moved up or it could be Joe.
 24 Q Do you know Joe's last name?
 25 A No, I don't.

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1 Q Do you know his phone number?
 2 A I got it. I can get it for you.
 3 Q San Diego, California is where they are
 4 located?
 5 A Yes. It's either that or LA; one of the two.
 6 Q So if I understand the arrangement correctly,
 7 Burt Enterprises has a relationship with Simplicity
 8 Wireless, that has a relationship with all these other
 9 phone companies?
 10 A Correct.
 11 Q So Burt Enterprises doesn't have to deal with
 12 all these reps from individual cell phone companies?
 13 A Right.
 14 Q So there's some kind of financial agreement
 15 between Burt Enterprises and Simplicity Wireless where
 16 you sell on behalf of Simplicity and they take royalties
 17 or some type of fee?
 18 A I don't recall what it is but, yes.
 19 Q Do you know what the percent is they take off
 20 each deal?
 21 A No.
 22 Q Like for a cell phone?
 23 A No.
 24 Q No?
 25 A No. I think ten. I really don't.

5 (Pages 174 to 177)

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1 Q What do you think?
 2 A Ten, 20 percent.
 3 Q That's a big range.
 4 What injuries are you alleging that you
 5 sustained as a result of the incident at the Palace? I need
 6 them one by one.
 7 A Are we ready?
 8 Q I'm ready.
 9 A Migraines. Headaches.
 10 Q Migraine headaches?
 11 A Yes.
 12 Q Or are there --
 13 A Drowsiness.
 14 Q Okay.
 15 A There's two different things between
 16 migraines and headaches.
 17 Q Migraines, headaches and drowsiness, right?
 18 A I mean depression.
 19 Q I didn't mean to indicate you were done. I
 20 just want to make sure I had listed them correctly.
 21 Depression. Go ahead.
 22 A And like hardly can sleep.
 23 Q Problem sleeping?
 24 A Yes. Nausea.
 25 MR. CHARFOOS: Nausea did you say?

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1 A Like throwing up.
 2 Q Do you throw up or do you just feel sick to
 3 your stomach?
 4 A Throw up.
 5 Q Nausea slash vomiting?
 6 A Uh-huh.
 7 Q Yes?
 8 A Yes.
 9 Q Go ahead.
 10 A I mean that's it right now.
 11 Q So have there been problems that you have had
 12 since the event that have resolved?
 13 A Well, a lot of them, they go away for a
 14 couple weeks. Like I'm not normal. Like halfway normal
 15 and I can go out and do some stuff and then they just
 16 come back.
 17 Q What problems -- strike that.
 18 So are you telling me that today -- I
 19 don't mean literally at this minute but today in terms of a
 20 general sense of time -- you experience migraine headaches,
 21 drowsiness, headaches, depression, problems sleeping and
 22 nausea/slash vomiting?
 23 A I woke up about twice last night.
 24 Q I don't care last night. I do care but not
 25 right now.

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1 A This morning.
 2 Q Okay.
 3 A And I woke up with a slice of a headache.
 4 Q With what?
 5 A Headache kind of. It wasn't a migraine.
 6 Q You said that's what I'm experiencing now or
 7 something to that effect. Have you had problems
 8 previously with other issues that you are not currently
 9 having other than these?
 10 MR. CHARFOOS: Can I help for a
 11 second?
 12 MR. POTTER: No.
 13 MR. CHARFOOS: All right.
 14 MR. POTTER: I appreciate your
 15 willingness but I would rather get it from him.
 16 A I don't get the question.
 17 Q Let me explain it to you. Maybe you misspoke
 18 and I'm taking things too literally, okay. So let me ask
 19 it this way. This event occurred on November 19th, 2004,
 20 okay?
 21 A Uh-huh.
 22 Q Yes? You have to say "yes" that you
 23 understood that.
 24 A Yes.
 25 Q We're here today in April of 2006, correct?

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1 A Anything that resolved in between that?
 2 Right.
 3 Q Let me ask the question, okay. From
 4 November 19th, 2004, until the present day, have you
 5 experienced other problems besides the list you just gave
 6 me that you believe are the result of the events at the
 7 Palace?
 8 A Well, the day after I was sore. You know,
 9 like my back was hurting. The neck, really couldn't move
 10 it. But I mean that was resolved like within a month.
 11 Q So sore back and neck went away in a month?
 12 A Yes.
 13 Q Any other problems that have resolved that
 14 you have not told me about?
 15 A Not that I remember.
 16 Q How frequently do you experience migraine
 17 headaches currently?
 18 A I think two, three, four times a week or it
 19 could be once a week or it could be all week or not even.
 20 You know, like I would go a week, week and a half without
 21 them.
 22 Q So there's no pattern?
 23 A There's no pattern.
 24 Q Strike that. What do you call migraine
 25 headaches; what are your symptoms?

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1 A Can't tolerate anything.
2 Q You need to be more specific.
3 A Like basically like soreness in the back of
4 the neck.
5 Q Okay.
6 A Squinting, blurriness, lack of just like
7 eating.
8 Q Lack of what?
9 A You know, no appetite. Eating. Pain, like
10 on the left side of my head. That's more common than the
11 right.
12 Q Where on the left side of your head?
13 A Forehead.
14 Q So you're talking about the left side of your
15 forehead, correct?
16 A Left side of the forehead.
17 Q Go ahead. What other symptoms do you
18 associate with a migraine headache?
19 A Soreness right here. I don't know what this
20 is called.
21 Q Soreness on the back of your -- on the crown
22 of your?
23 A Yes, under the scalp.
24 Q Soreness on the back of your head just below
25 the crown, okay?

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1 A Yes.
2 Q What else do you experience that you
3 attribute -- well, strike that.
4 What other symptoms of your migraine
5 headaches do you have?
6 A Smell, taste.
7 Q What happens to the smell, your smell and
8 taste?
9 A Be like certain smell, like spicy food or
10 certain -- you got a Kleenex?
11 MR. CHARFOOS: Let's take a break.
12 (Brief recess.)
13 Q So with regard to your sense of smell, what,
14 you said something about spicy foods. Tell me how the
15 migraine headaches effect your sense of smell.
16 A That triggers the migraine.
17 Q What you're saying spicy foods trigger a
18 migraine?
19 A And bright lights.
20 Q We can only have one person talking at a
21 time. The smell of spicy food causes migraine headaches
22 at times. Is that what you're saying?
23 A Yes, yes.
24 Q What about your sense of taste, does that
25 also trigger a migraine?

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1 A No, not really.
2 Q So how -- what does your sense of taste have
3 to do with your migraine headaches?
4 A That's usually -- when I have a migraine
5 don't make me want to eat or anything.
6 Q So it's more a loss of appetite than anything
7 to do with your taste?
8 A Yes.
9 Q Any other symptoms of your migraines? You
10 want me to run down what you told me here?
11 A No. I mean like bright lights.
12 Q What about bright lights?
13 A Something bright, like maybe at night from --
14 if a car drives by or maybe just turn the TV on if I'm
15 just waking up in the morning or something.
16 Q I don't understand what you're saying. Are
17 you saying that bright lights cause a migraine?
18 A Trigger a migraine.
19 Q So the TV in the morning or headlights at
20 night could trigger a migraine?
21 A Yes. Or just even being in the room and the
22 light would turn on; anything bright.
23 Q Okay. Are there any other symptoms you
24 associate with your migraines?
25 A Sounds.

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1 Q Sounds can trigger a migraine?
2 A Specific sounds.
3 Q Such as?
4 A A beeping noise or basically --
5 Q Beeping as in what; a alarm clock?
6 A Alarm clock, a ringer. Just an average
7 annoying sound.
8 Q Anything else -- strike that.
9 Are there other symptoms you attribute
10 to your migraines?
11 A Not that I remember.
12 Q Okay.
13 A But they all vary. They all -- some days
14 like I can go out and I can -- I don't have to worry
15 about sound or bright lights or smell or anything. And
16 then some days it would be just something taste and I
17 can't tolerate like going in the kitchen when my mom is
18 cooking or going out and go to like a baseball game and
19 watch my friends play or anything. Just they all switch
20 back and forth.
21 Q Okay.
22 A It's not like a constant thing that, you
23 know.
24 Q I understand. How much did you weigh on
25 November 19th, 2004; do you recall?

7 (Pages 182 to 185)

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1 A No.
2 Q Do you know what you weigh today?
3 A No. 240, 250 on a good day.
4 Q Do you take any medication for those
5 migraines?
6 A Yes.
7 Q What do you take?
8 A Topamax, Immotrex, but they are all -- that's
9 just like my most common one. Back before when I first
10 started there was just a list of things. They made me
11 try this stuff for like a month. They made me try
12 another stuff for a month. They change it up to help me
13 sleep. They made me try I think Xanax and Ambien.
14 Q Who is the "they"?
15 A Different doctors. Mostly I just went to the
16 walk in clinic in Saginaw.
17 Q That would be Covenant?
18 A No, this John Kemerer. He wasn't really the
19 one I was seeing. It was a lady. I really don't know
20 what her name is. It was just a walk in clinic. I
21 didn't have to call. I just walk right in.
22 Q This Kemerer?
23 A John, yes.
24 MR. CHARFOOS: That phone is not
25 going to ring while we're doing this, is it?

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1 MR. POTTER: It might but it's on
2 vibrate so we won't trigger any migraines.
3 MR. CHARFOOS: That was my worry.
4 MR. POTTER: I know.
5 Q So Dr. Kemerer?
6 MR. CHARFOOS: Works out of Valley
7 Urgent Care; is that correct?
8 A Yes. They're at 3020 Boardwalk in Saginaw,
9 Michigan. Yes.
10 Q Is that correct?
11 A Yes.
12 Q So Dr. Kemerer has been the one who has
13 prescribed or doctors at that clinic are the ones who had
14 prescribed this medication for you that you take for your
15 migraines?
16 A Most of it.
17 Q Where do you fill your prescriptions; what
18 pharmacy?
19 A Walgreen, Rite-Aid, just --
20 Q I need to know every drugstore and the
21 location where you fill the prescription.
22 A Rite-Aid and Walgreen.
23 Q Where is the Rite-Aid at?
24 A Rite-Aid is on -- no, Walgreen is on Bay
25 Road.

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1 Q Bay Road in what town?
2 A Bay Road in Saginaw, Michigan.
3 Q Okay.
4 A And Rite-Aid is on Michigan and Saginaw.
5 Q On Michigan Road in Saginaw?
6 A Yes.
7 Q Do you currently have any active
8 prescriptions?
9 A Yes.
10 Q For what?
11 A Topamax, Immotrex, Sinequan.
12 Q What's the Sinequan for?
13 A See, I got like six different pills.
14 Q Well, that's what I'm asking you.
15 A I don't really know. I got it on the pills.
16 My sister-in-law is a pharmacist. She just says: Look,
17 this is for sleep. There's a Baclofen or something. It
18 was something for the Skolaxin. That's a muscle relaxer.
19 It's starts with a: B-a-c. I don't know what the name
20 of that is.
21 Q Let's take them one at a time. Do you know
22 what the Topamax does for you or is supposed to do for
23 you?
24 A It's a daily -- helps prevent migraines.
25 Q And Immotrex also a anti-migraine drug?

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1 A Yes. It's like a real strong. If I have a
2 real strong migraine I take that.
3 Q Sinequan, do you know what that does for you?
4 A Yes. Sinequan helps me go to sleep or for
5 nausea. One of the two.
6 Q You said Skolaxin?
7 A Well, there's a different pill that they got
8 me, prescribed for Skolaxin. It's start with: B-a-c.
9 Q That's an anti-inflammatory?
10 A No. That's a muscle relaxer.
11 MR. CHARFOOS: Same thing.
12 A Yes.
13 Q Are you taking muscle relaxers currently?
14 A Yes.
15 Q For what; what muscles need to be relaxed? I
16 thought you said your back and neck problems went away?
17 A If I take all these pills you are just going
18 to feel different. That's why I take a muscle relaxer.
19 Then there's a pill for vomiting.
20 Q What is that, do you know?
21 A Here, you know. I might have it in here. I
22 don't. I got it. I got it out in the car.
23 Q Do you take these pills daily?
24 A Not the Sinequan or the -- Sinequan, that's
25 the one that helps. Sinequan I don't. Topamax I do.

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1 The muscle relaxer I don't. Then there's one for nausea
2 when I throw up. That one, I take that whenever I have a
3 bad migraine.

4 Q Have your migraines gotten better or worse
5 since the events at the Palace?

6 A Sometimes they be good for a good month.
7 Then it goes on for like a day or two where I can't do
8 nothing.

9 Q Has your condition with regard to your
10 migraines gotten better or worse since November 19th of
11 2004?

12 A I have -- probably a little better. Actually
13 a month ago it wasn't better but as now I am a little
14 better.

15 Q How frequently are you drowsy currently?

16 A Whenever there's a bad migraine.

17 Q What does that drowsiness --

18 A Well, drowsiness, like throwing up.

19 Q Listen to my question. Drowsiness and
20 vomiting are distinctly two different concepts, okay.
21 Drowsiness is an inability to stay awake or an inability
22 to feel alert at all times I would say.

23 A Sometimes the pills make me drowsiness.

24 Q I would expect that, okay, but how frequently
25 in a general sense?

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1 A Probably every day. Every day I can
2 experience one time where I just fall asleep.

3 Q I thought you said you had problems sleeping
4 though?

5 A Well, sometime I can sleep and sometimes I
6 can't sleep, you know.

7 Q I don't know.

8 A Like some days I can -- I be up and awake and
9 I be active and some days I be down and like depressed,
10 like where I can just go to sleep. It all depends if I
11 have like a real bad migraine, you know. I can't go to
12 sleep. I would have to take some Sinequan or the
13 sleeping pill. I know Ambien, I took Ambien for eight,
14 nine months but they switched it because that was making
15 me like basically daydream like while I'm up. I would
16 walk while I'm sleeping. Sleep walking.

17 Q Does the drowsiness only occur when you have
18 a migraine headache or does it occur at times when you're
19 not having a migraine headache?

20 A I don't know.

21 Q You don't know?

22 A No.

23 Q You indicated that when you're having a
24 migraine you can't sleep; is that correct?

25 A Most of the time.

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1 Q That would be true even if you took sleep
2 medication. If you had a migraine the sleep medication
3 would be ineffective, correct?

4 A If I took sleep medicine I would be going
5 right to sleep.

6 Q Even with a migraine?

7 A Yes. It put me right to sleep sometimes.
8 Most of the time it put me right to sleep. I take a high
9 does of sleep medication.

10 Q But the Immotrex itself or the pain
11 medication -- let me back up for a second.

12 If you took a sleeping pill such as
13 Ambien that would cause you to go to sleep, correct?

14 A Correct.

15 Q Even with a headache, correct?

16 A Yes. Most of the time.

17 Q But the Immotrex and Topamax aren't sleep
18 aids, correct?

19 A No.

20 Q They help you. They help relieve the
21 symptoms of the migraine, correct?

22 A Correct. Topamax is like a daily medicine.

23 Like I take two, three pills a day and Immotrex is -- I
24 take it but it's not a sleeping medicine.

25 Q Do these drugs make you sleepy when you take

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1 those when you're having a migraine headache or not?

2 A No.

3 Q Have you ever taken Vicodin since
4 November 19th, 2004?

5 A I was prescribed the Vicodin, yes.

6 Q By whom?

7 A Doctor.

8 Q At Valley Urgent Care?

9 A I don't remember. I don't remember. I know
10 they prescribed Vicodin to me a couple times.

11 Q For pain, correct?

12 A For pain. Then they switch it to that
13 Sinequan and then they switch it to something else.

14 Q Did the Vicodin make you sleepy or was it
15 strictly the Ambien?

16 A I don't remember. Makes me relaxed.

17 Q Vicodin relaxes you?

18 A Huh?

19 Q Vicodin relaxes you?

20 A It relaxes the muscles. I mean, yes, that
21 would make me go to sleep a little easier.

22 Q Vicodin doesn't relieve your headache pain
23 though?

24 A No.

25 Q What drug do you find to be effective in

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1 relieving your migraine headache problems?
2 A There's this, it's Immotrex but there's this
3 other pill too. It's like prescribed for Advil.
4 Q It's what?
5 A It's a replacement for Advil.
6 Q Ibuprofen?
7 A No.
8 Q Advil is Ibuprofen.
9 A Well, I used to take a lot of Advil but.
10 Q Motrin?
11 A Do you have my list of medications?
12 Q Motrin?
13 MR. CHARFOOS: We can get it.
14 THE WITNESS: Would you, please.
15 MR. CHARFOOS: Take a break.
16 (Brief recess.)
17 Q I guess the question, I believe the question
18 was: What medication do you find to be the most
19 effective in dealing with your migraine headaches and as
20 far as you know right now it would it be Immotrex?
21 A And Topamax.
22 Q You say you have headaches that are different
23 than migraine headaches as well, correct?
24 A Correct.
25 Q How frequently do you have these headaches

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1 that -- strike that.
2 Can I assume that these other headaches
3 are not as severe as the migraine headaches?
4 A Correct. They're like jabs.
5 Q How frequently do you have these less severe
6 headaches today; in the general sense of today?
7 A Migraines last for awhile. Like pressure on
8 your head or it's like pressure like behind the eyes.
9 These I use different pills. They're more like a jab.
10 Like basically they sting for a good 15 seconds to like a
11 minute or two minutes. Do you know what I mean?
12 Q How frequently does that happen in the course
13 of a week?
14 A I get it every day.
15 Q How frequently does it happen during the
16 course of a day?
17 A At least a couple times a day; two, three
18 times.
19 Q Do you take medication specifically for that
20 problem?
21 A It's like a migraine but just like help me
22 prevent a migraine. It's a different medication. So
23 that's what the doctor told me. I don't know. The
24 medication they got me on, it's just help to prevent it.
25 Just makes them do the jabs, like the migraine --

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1 MR. CHARFOOS: Doesn't break through?
2 A It doesn't.
3 Q I don't have it. Say it again.
4 A It doesn't break through.
5 Q What doesn't break through?
6 A It don't last for the whole day. It last for
7 maybe a good couple minutes.
8 Q I understand that. Do you take medication
9 specifically for these jabbing pains in your head you
10 have?
11 A Yes. If it lasts for the whole day,
12 Immotrex. But for those, if they continue to keep
13 coming, like the Advil, but I think it was -- I want to
14 say Reflection or -- Reflection.
15 Q Whatever that drug is you were taking Advil
16 for those as well, correct?
17 A Correct.
18 MR. CHARFOOS: Wait for a question.
19 Q You indicated you experienced depression. Is
20 that an ongoing issue or is it a periodic issue?
21 A I mean every day there's like different
22 symptoms. Like I never thought that I would be thinking
23 of like just waking up, not being like happy with a day
24 or just not excited about the day or just not excited for
25 me to like, you know, nice weather outside, stuff like

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1 that. It's different symptoms. Like I almost -- I
2 always used to love to go outside and just be outside.
3 Now it really doesn't matter what happens.
4 Q Why?
5 A I don't know.
6 Q Who are you treating for, for this
7 depression?
8 A I don't know if I'm -- Michigan Head Pain
9 Neurology. I think they gave me some pills for
10 depression or just one of the pills is depression pills.
11 They're in Ann Arbor.
12 MR. POTTER: I should have ate
13 breakfast.
14 MR. CHARFOOS: Wait for a question.
15 Q I have a report from the Michigan Head Pain
16 Neurological Institute. Are you seeing a doctor there?
17 A Yes.
18 Q The report I have is dated November 23rd,
19 2005, and it's written by a Dr. Weintraub. Does that
20 ring a bell?
21 A Uh-huh.
22 Q Yes?
23 A Yes.
24 Q Have you seen Dr. Weintraub on more occasions
25 than on November 23rd, 2005?

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1 A There's like three, four different doctors I
2 seen.
3 Q At the Michigan Head Pain Neurological
4 Institute?
5 A Yes.
6 Q You have seen three or four different
7 doctors?
8 A Yes.
9 Q When is the last time you were seen at the
10 Michigan Head Pain and Neurological Institute?
11 A Last month.
12 Q What are they -- strike that.
13 What does -- what is happening when you
14 go there; what do they do?
15 A First they send me to a psychologist. Talks
16 to me about the problems. Then they -- then there's
17 like, I think there's a therapy.
18 Q You think?
19 A Well, this is only -- I only did it one time
20 and they sent me somewhere else. I'm going somewhere
21 else for therapy for my neck. Basically massage the
22 neck. They work the muscles and that helps it a lot.
23 Q Okay.
24 A And then but mostly there's then the nurse I
25 see. There's like two or three different doctors I see.

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1 I don't know if Weintraub owns it or there's one doctor
2 that runs it.
3 Q I'm not asking who you see. I'm asking what
4 they do for you. When you go to Michigan Head Pain and
5 Neurological Center or Institute, what do they do for
6 you? You say you see a psychologist.
7 A Yes. They help me, talks to me about my
8 problems and helps me prevent my migraines.
9 Q So they talk to you. That's what happens
10 when you go there?
11 A A psychologist does.
12 Q What else?
13 A They basically ask me how am I feeling. What
14 drugs do what to you. If the drugs make me like drowsy
15 or make me can't sleep. Then they switch the drugs. And
16 then make which ones feel best for me.
17 Q Has anything ever happened for you at the
18 Michigan Head and Pain and Neurological Institute other
19 than being talked to and prescribed the medication?
20 A Yes.
21 Q What?
22 A They help me. Help me basically prevent
23 migraines. Like they stabilized it.
24 Q How did they do that?
25 A The one doctor gave me different drugs.

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1 Q Listen to me. Has anything else ever
2 happened for you in the form of treatment when you have
3 gone to the Michigan Head Pain and Neurological Institute
4 besides being talked to or prescribed medication? Has
5 anything else ever happened there?
6 A Other than the treatment of laying down and
7 did stuff.
8 Q That's what I'm asking.
9 A Yes. That's the treatment.
10 Q What do they do for you?
11 A Basically treatment was they -- she was
12 massaging my scalp and I don't know, like massaging my
13 spinal cord and see if everything was there correctly or
14 if it was in the right spot.
15 Q Somebody did this for you there?
16 A Yes.
17 Q How many times did that happen there; once?
18 A Once.
19 Q That is happening somewhere else now?
20 A Yes, in Frankenmuth.
21 Q What is the name of the place in Frankenmuth
22 that it is happening at?
23 A Michigan --
24 Q Go ahead.
25 A Back pain. I really don't know.

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1 Q How many times have you been there?
2 A Probably six, seven times.
3 Q Excuse me a minute.
4 A I don't really look at the signs. I been to
5 so many doctors I just basically know what road it's on.
6 I get the number and I will call them.
7 MR. CHARFOOS: Wait for a question.
8 MR. POTTER: Off the record.
9 (Brief recess.)
10 Q So this place in Frankenmuth is giving you
11 some massage therapy it sounds like. Is that what you
12 would call it?
13 A It's a different massage but they basically
14 work on your back and work on your head and your neck
15 basically for the different treatments.
16 Q You have been there five or six times,
17 correct?
18 A Correct.
19 Q But you don't know the name, correct?
20 A It's Frankenmuth Back Pain Psychologists. I
21 really don't know the name.
22 Q Frankenmuth Back Pain something?
23 A Something.
24 Q What road is it on?
25 A Main Street.

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1 Q You drive there I take it?
2 A I drive or my dad drives there.
3 Q You drive or your dad drives there?
4 A I probably -- whoever. If he's not busy he
5 drives me. But if not I'll drive.
6 Q How many times have you talked to the
7 psychologist at the Michigan Head Pain Institute?
8 A Couple times.
9 Q Two?
10 A Two, three.
11 Q Did you ever become addicted to any, in your
12 opinion, to any of the medication you were taking after
13 November 19th, 2004?
14 A Addicted? Like, yes, I was addicted to
15 Topamax. To Immotrex. I had to have it all the time.
16 Vicodin. It was different stuff. I had to have it
17 because that stuff is the only one that would make me
18 prevent the migraines.
19 Q Which ones; Topamax?
20 A All of them; every one of them.
21 Q What did Vicodin do for your migraines?
22 A It was a muscle relaxer. You take the drugs
23 you are going to basically -- like now it's drowsiness.
24 Basically it was a pill just to mellow everything down.
25 But I mean that was for like a month or so. Then they

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1 switched Vicodin to Skolaxin and then back to a different
2 drug. But not no more. Now I take Topamax and Immotrex.
3 Q Did you go through any substance abuse
4 counseling for being addicted to any of this prescription
5 medication?
6 A No. I was not addicted. It was just
7 something I had to have. It wasn't a drug. It was a --
8 it wasn't a drug I was looking for to do when I had a
9 headache. It was something that would come up.
10 Q Other than being seen at Michigan Head Pain
11 Institute, have you received any other treatment for your
12 depression?
13 A Not that I remember.
14 Q Are you still having problems sleeping?
15 A Yes.
16 Q How frequently does that occur?
17 A It really varies. Last night I couldn't
18 sleep. Probably because I had to meet with you. I had a
19 big day.
20 Q You had a big day today?
21 A Well --
22 Q Because of this or because of other things?
23 A Well, not because of this. Because of this
24 and I had to go -- my brother's birthday party is later
25 on.

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1 Q Today?
2 A Yes. We're just going to meet up and eat.
3 Q Where is that?
4 A I think Rochester and my other cousin, he is
5 graduating Michigan business school. So we're just
6 going. So I have to go back to my brother's and we're
7 just going to get together.
8 Q So last night you had problems sleeping you
9 said, correct?
10 A Correct.
11 Q How frequently do you have problems sleeping?
12 A Two, three times a week.
13 Q Do you take Ambien still for those?
14 A No, Sinequan. I'm sure that is the drug.
15 Q Does that pill work?
16 A Yes. Most of the time it does.
17 Q How frequently are you having nausea slash
18 vomiting?
19 Let me ask it this way. Can you
20 remember the last time you threw up?
21 A Last week. Last Wednesday.
22 Q What do you believe caused you to throw up?
23 A Just was like sick.
24 Q How frequently does that happen?
25 A Once every couple months. Before I used to

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1 throw up two, three times a week before they put me on
2 something for drowsiness because this medication will
3 make you throw up.
4 Q How long ago was that that they put you on
5 this?
6 A I don't know, a couple months. Three, four
7 months ago.
8 Q I have records from Valley Urgent Care, which
9 I believe is Doctor --
10 A Kemerer.
11 Q Kemerer, right?
12 A And there's another lady doctor that I see.
13 Dr. Kemerer is always busy.
14 Q But you have been seen at Valley Urgent Care,
15 correct?
16 A Yes.
17 Q And you have been seen there because of
18 problems you relate to the November 19th incident,
19 correct?
20 A Correct.
21 Q You have also been seen at Covenant Health
22 Care, the Cooper Campus, correct?
23 A Correct.
24 Q What is Covenant Health Care and why do you
25 go there?

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1 A Two, three times, a couple times I couldn't
2 sleep. I had to go there for just, maybe to get like a
3 shot or something.
4 Q Is that an emergency room or is it a walk in
5 clinic?
6 A I think it's both. It was at nighttime most
7 of the time. So you can call emergency room. See they
8 would give me some kind of drug --
9 MR. CHARFOOS: No question.
10 Q So this is a place you went to when you -- at
11 different times of the day when Valley Urgent Care wasn't
12 open or not?
13 A Correct. If Valley Urgent Care wasn't open I
14 would go there.
15 Q Where is Covenant Health Care located?
16 A On Michigan in Saginaw. Michigan Avenue.
17 Q I'm trying to think of brilliant questions.
18 Just bear with me, will you?
19 A Okay.
20 MR. CHARFOOS: Why don't we let the
21 others go.
22 MR. POTTER: I got plenty left.
23 MR. CHARFOOS: Sorry about that.
24 MR. POTTER: That's fine.
25 MR. CHARFOOS: How about our first

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1 break?
2 MR. POTTER: This will be our third
3 break.
4 MR. CHARFOOS: You're sitting there
5 mucking around.
6 MR. POTTER: You need to eat
7 breakfast, okay? You are being impatient with me
8 just like your brother.
9 MR. CHARFOOS: You're -- off the
10 record.
11 (Brief recess.)
12 Q So you don't see any doctor -- strike that.
13 You are not under the care of any
14 particular doctor at Covenant Health Care, correct?
15 A No.
16 Q Correct?
17 A Correct.
18 Q If I asked you who were your doctors who were
19 in charge of your case -- I will ask you that.
20 What are the names of the doctors that
21 are in charge of your case as far as you're concerned, your
22 medical condition?
23 A I mean I go to quite a few different clinics
24 so I mean there's quite a few.
25 Q Well, I know you go to Valley Urgent Care,

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1 right? And I know you go to the Michigan Head.
2 A Pain neurologist.
3 Q Pain Institute and I know you have been to
4 Covenant Health Care. I know you have been to the
5 Frankenmuth back pain something on Main Street. And
6 there's a hospital, couple hospitals you have been to but
7 what other clinics are you going to besides the ones we
8 just mentioned?
9 Is that a list that you're looking at?
10 A Yes.
11 Q Is that a list of facilities that you
12 received treatment at?
13 MR. CHARFOOS: Prepared by the
14 lawyer, yes.
15 A Yes, with one year --
16 MR. CHARFOOS: No, it goes 11-4.
17 THE WITNESS: Oh, okay. Yes.
18 MR. POTTER: Because we don't --
19 Q Missing from here is the Frankenmuth back
20 pain facility?
21 MR. CHARFOOS: You learned about it
22 like we did.
23 MR. POTTER: You just learned about
24 it?
25 A That was a treatment back --

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1 MR. CHARFOOS: There's no question.
2 Q I'll ask it. That was a treatment back in
3 when?
4 A That was in 2006 that they -- it was
5 something new.
6 Q So Frankenmuth place is new this year?
7 A Correct.
8 Q And this ends in December of '05, correct?
9 A Correct. You got it.
10 Q So are you representing that this list is
11 complete with regard to the facilities and doctors that
12 you received --
13 A No. Oh, I'm sorry.
14 Q How do you even know what my question was
15 going to be?
16 A I'm sorry.
17 Q Are you representing that this list that I
18 have in my hand -- that we are going to mark as
19 Exhibit A -- is complete with regard to the facilities
20 and doctors that you received medical treatment from
21 through December of 2005, let's say through December 6th
22 of 2005?
23 Take a look at it.
24 MR. CHARFOOS: It's prepared by the
25 lawyers. It's just the medical records that you

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1 have. It's not prepared by him.
2 Q I'm asking him if he's representing it's
3 complete and accurate though.
4 A That I know.
5 Q Take a look and study it and tell me if
6 there's any place you can think of?
7 A I don't remember. I might be missing one or
8 two. I mean most of it. But most of it is complete.
9 Q You were seen by a Joel Beltran, which is on
10 here, in April of 2005. You were seen by Dr. Beltran one
11 time; is that correct?
12 I have his record and it says you were
13 seen by him one time. Correct? Do you agree with that?
14 A Correct.
15 Q It was on April 25th of 2005. Do you
16 remember seeing Dr. Beltran?
17 A No.
18 Q Do you know who sent you to Dr. Beltran?
19 A No, I don't.
20 Q Why did you see Dr. Beltran, who is a
21 neurologist, and then go see another neurologist at the
22 Michigan Head Pain Institute? Dr. Weintraub is a
23 neurologist over there. Why didn't you continue treating
24 with Dr. Beltran?
25 A I don't remember. Well -- oh, yes.

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1 Dr. Beltran. There was one neurologist was just for, it
2 was like a -- I think was a shock. They had a vest they
3 had to put on me just to like shock high nerves. I think
4 that was recommended from doctor or the walk in clinic.
5 Q Are you talking about an EMG or a needle
6 test?
7 A No, no, it wasn't a needle test. It was just
8 they had these pads on your back and it was shocking the
9 nerves. It was --
10 Q Who did that?
11 A I don't know. I mean I -- it was helping for
12 awhile too. It was expensive. If I think that's who it
13 was -- Dr. or Joel Beltran.
14 Q You saw Dr. Beltran, according to
15 Dr. Beltran's office, one time and he didn't do anything
16 for you except examine you?
17 A That could be it because a lot of times I
18 don't even see Dr. Beltran or whoever this guy is. I
19 think this is the one and I -- there was a lady that was
20 helping me because he was out of the office or something.
21 I don't recall.
22 Q You think there's a facility you have gone to
23 where they put something on your back that shocked your
24 muscles?
25 A Yes. I know. So I think this is it.

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1 Q Where?
2 A That was in Saginaw. I don't remember where
3 it was at. We usually -- when I went there one time
4 after. Ever since, after that all she was doing, was
5 assigning me the pads. You know I was ordered over the
6 phone. She was calling my cell phone and I was ordering
7 over the phone.
8 Q So you were using these pads at home?
9 A Basically it's a vest you put on over your
10 chest and it was -- it was to stimulate like the nerves.
11 Like it basically wasn't shocking. It was like electric
12 shocking the nerves.
13 Q What problem was this?
14 A They said that might help the migraines.
15 Q But you can't tell me where you got this vest
16 from?
17 A Yes, in Saginaw, at his office, I think.
18 Q At Beltran's office?
19 A I think that's the doctor. I'm not positive.
20 Can I see that, please?
21 Q Well, his records indicate that he was going
22 to do the following for you. Give you Elavil,
23 25 milligrams and samples of: R-e-l-p-a-x.
24 MR. CHARFOOS: That could be it.
25 Q That's it. There's nothing in here about a

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1 jacket that you put on to shock your muscles.
2 A Okay.
3 Q I have not seen that in anybody's records. I
4 guess I will have to send you an Interrogatory asking you
5 where you got the jacket that shocked your muscles.
6 A Okay. If you don't mind me asking, what
7 address?
8 Q For Beltran?
9 A Yes.
10 Q I'll give it to you. I think -- it's not on
11 his letterhead. It's at 4449 Fashion Square Boulevard,
12 Saginaw, Michigan.
13 A That sounds like the clinic but I will get
14 more information. I will give it to Larry.
15 Q Do you recall a Dr. Jung performing an EMG on
16 you.
17 MR. CHARFOOS: That's putting needles
18 in you.
19 Q Do you recall that?
20 A Yes.
21 Q That's not the jacket though; that's
22 something different?
23 A No, no. That was just for my -- the right
24 knee. My knee was numb. I don't know like what that was
25 for. But that was just a needle. Basically I lost

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1 nerves in my right knee.
2 Q Do you recall being taken to Pontiac
3 Osteopathic Hospital after the event at the Palace that
4 night?
5 A Do I recall?
6 Q Yes.
7 A Yes, I do.
8 Q Do you recall what you complained of to the
9 doctors at the Pontiac Osteopathic Hospital?
10 A No, I don't. I mean this was earlier that
11 you asked me all this stuff. Is this on the same record?
12 Q Pardon me?
13 MR. CHARFOOS: The last deposition
14 you asked him.
15 Q I didn't ask you about medical at the last
16 deposition.
17 A You asked me what I did at the hospital. You
18 asked me what I said.
19 MR. CHARFOOS: You went through that.
20 Q I asked you who was there; who you talked to.
21 I didn't ask you what you complained to the doctors
22 about.
23 What did you complain to the doctors
24 about at Pontiac Osteopathic Hospital, do you recall?
25 That's the first place you went. That's where you were

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1 taken by ambulance from the Palace security office.
2 A No, I don't recall.
3 Q Do you know what problems you were having at
4 that time?
5 A All I knew is that I recall that I passed out
6 or I fainted.
7 Q At the hospital?
8 A No, before that.
9 Q In the security office?
10 A If that's where I was at, yes, in the
11 security office.
12 Q At the Palace you mean?
13 A At the Palace, yes, but that was not at the
14 hospital.
15 Q So you don't recall what problems you were
16 having at the hospital when you went there on
17 November 19th, 2004 or November 20th, 2004?
18 A No, not that I remember. I remember talking
19 to a police officer but I don't remember what I said to
20 him or anything.
21 Q So then you wouldn't know what they did for
22 you at the hospital then either, correct?
23 A I know they put me in -- I think that they
24 give me an MRI.
25 MR. CHARFOOS: If you don't remember.

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1 Q Based on your memory, do you know what they
2 did for you?
3 A No.
4 Q Do you recall going to William Beaumont
5 Hospital in June of 2005?
6 A Yes.
7 Q Why did you go there?
8 A I was at my brother-in-law's house, my
9 sister's house.
10 Q Give me their names.
11 A Chris and Rose Siadi.
12 Q Your sister's name?
13 A Rose Siadi.
14 Q Chris and Rose?
15 A Yes.
16 Q What were you doing there?
17 A I couldn't --
18 Q What were you doing there at your sister's?
19 A I slept the night at their house.
20 Q Why?
21 A To visit.
22 Q What happened?
23 A I couldn't sleep or anything. And that's why
24 they took me to the emergency room.
25 Q Because you couldn't sleep?

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1 A I couldn't. I had a bad headache. And they
2 went there and they gave me a shot where I couldn't work
3 the whole day or some kind of thing in my -- it was -- it
4 was something that make me drowsiness or I think it
5 was -- I don't remember.
6 Q They gave you a shot that prevented you from
7 working that day?
8 A Yes. I had to get a doctor's excuse the
9 whole day not to, like excuse me from any activities or
10 anything.
11 Q Why would you need that?
12 A It was something that put me to sleep where I
13 can actually sleep.
14 Q You worked for your dad. Why do you need a
15 letter saying you can't work?
16 A The doctor just gave that to me.
17 Q Really?
18 A Basically she is like: Here. Let me give
19 you this. This is to prevent you from any activities you
20 have to do that day or anything.
21 Q I'm going to read to you a note from the
22 Beaumont Hospital record.
23 A Where is Beaumont?
24 Q That's where we're talking about.
25 A June, yes.

15 (Pages 214 to 217)

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1 Q Correct. This is the nurse's note.
2 "Friend at side." Meaning you had a
3 friend at your side.
4 A My brother probably.
5 Q Requesting work note. You were requesting
6 the work note.
7 Patient requesting that work note
8 indicate that he arrived at six o'clock a.m.
9 Triage time noted 7:52. Patient insists he was
10 waiting in line since 0600. Note given for 7:52
11 arrival with 9:15 departure.
12 Why would you have been requesting a
13 note to excuse you from work on --
14 A I have no idea.
15 Q -- on June 12th, 2005 in the emergency room
16 at Beaumont Hospital?
17 A Maybe I was talking to a nurse and she was
18 asking me what time I got there. I didn't recall what
19 time I got there.
20 Q That's not my question. My question was:
21 Why would you have been requesting a note to excuse you
22 from work on June 12th, 2005?
23 A I don't remember requesting a note.
24 Q Does your father require you to produce
25 records from a medical doctor or a note from a medical

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1 doctor when you can't work?
2 A Oh, wait. That was the time that I think
3 that I had to go to community service. That might have
4 been one.
5 Q Community service for what?
6 A I had to do community service.
7 MR. CHARFOOS: That was part of the
8 probation.
9 A That was one of the things. I think that was
10 one of them. I think I had to request a note of why I
11 didn't show up on time. That might have been one.
12 Q What community service did you perform? What
13 kind of community service work did you do?
14 A Just wherever they like -- basically I was in
15 the deeds office. So I did Registrar of Deeds and
16 basically just sent mail out; who would go to what. Like
17 anything requested by -- I think their name is Ruth
18 Johnson. It was in Pontiac. That's probably why I
19 requested a note.
20 Q Did you, in treatment of your migraines, did
21 you receive any shots or do you take pills only? By
22 shots I mean intramuscular injections.
23 A Most of the time I took pills. I have took
24 shots.
25 Q What kind of shots do you get?

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1 A I don't recall.
2 Q Well, do the pills work better or the shot
3 work better?
4 A The shot will just hit me right away. That
5 will help it. Shot would be right in your blood or your
6 veins. So the pill would take a little bit. To help out
7 I break the pill in half because that's -- you don't have
8 to go around with it, the Immotrex, but shot would just
9 go right through your blood.
10 Q Are you sure you haven't held any other jobs
11 since the event at the Palace other than working at Good
12 Times Party Store or convenience store?
13 A No.
14 Q Are you sure about that?
15 A Pretty sure. Almost positive.
16 Q Do you think you would forget employment that
17 you had since November 19th, 2004 to the present day?
18 A You asking if I only worked at my parents'
19 store; both their stores?
20 Q Yes, that's what I'm asking you.
21 A Yes, I only worked there.
22 I have a tough time answering questions.
23 Q You're what?
24 A I have a tough time answering your questions.
25 Q Only because you don't wait for me to finish

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1 them.
2 A I'm sorry.
3 Q I don't perceive you to have any difficulty.
4 You seem to know what I'm asking before I finish it. So
5 my perception of how this is going is that it is a
6 question and answer with you interrupting me and there
7 hasn't been a delay in answering these questions. It's
8 fluid. There hasn't been any delay.
9 A There has been.
10 Q Who sent you to Dr. Sewick?
11 A What day was that?
12 Q You were seen by Dr. Sewick on March 15th,
13 2005. He may not be on your list. Were you sent to
14 Dr. Sewick by Mr. Charfoos or somebody in this office?
15 You can't look at Mr. Charfoos for an
16 answer.
17 MR. CHARFOOS: He doesn't know who
18 that is I think is his problem.
19 Q Do you recall going for a neuropsychological
20 testing with a Dr. Bradley Sewick, who is located on
21 Evergreen Road in Southfield, Michigan?
22 A Either one of the doctors or I don't recall
23 who requested that.
24 Q Do you recall Mr. Charfoos ever sending you
25 to see a doctor?

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1 A Well, Mr. Charfoos sends me anything, any of
2 the doctors or anything, knows of any appointment.
3 Q I'm sorry. Say that again.
4 A If any appointments come up that I have to go
5 to they remind -- because, you know, Pat is his
6 secretary. So any appointments I have she reminds me.
7 Q Mr. Charfoos keeps track of your doctors'
8 appointments and tells you when they are. Is that what
9 you're telling me?
10 A Most of them.
11 MR. CHARFOOS: Like your IME.
12 Q Did Mr. Charfoos set you up at the Michigan
13 Head Pain Institute with Dr. Weintraub?
14 A I don't know who recommended that. I see a
15 lot of these doctors recommend other doctors to go to.
16 Q When you said Mr. Charfoos' office reminds
17 you of most of your doctors' appointments, tell me which
18 doctors' appointments Mr. Charfoos' office reminds you
19 of.
20 A They remind me of Michigan Head Pain. Mostly
21 all of them. I mean Michigan Head Pain.
22 Q Mr. Charfoos does not remind you to go to the
23 emergency room, correct?
24 A No, not correct. I mean correct. Because --
25 yes. The only ones that he reminds me that sent me

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1 anything in the mail was probably Michigan Head Pain and
2 doctor, that Dr. Sewick.
3 Q Do you remember seeing Dr. Sewick now? He's
4 a doctor you went to for a determination as to whether or
5 not you had sustained a traumatic brain injury. Do you
6 remember that?
7 A Yes, I do.
8 Q Do you recall anything you told Dr. Sewick?
9 A No, I don't.
10 Q Dr. Sewick recommended -- hold on a second.
11 Dr. Sewick recommended a program of
12 rehabilitative intervention, including psychotherapy,
13 psychiatric evaluation, neurological care and a
14 neuropsychological re-examination.
15 Do you know why you have not embarked on
16 the course of treatment that Dr. Sewick gave an opinion was
17 necessary?
18 A I mean I don't -- can I see that? No. He
19 recommended me to go to -- say that again.
20 Q Dr. Sewick recommended that you embark on a
21 rehab a program of rehabilitative intervention then,
22 including psychotherapy, psychiatric evaluation and
23 neurological care. Do you know why you have not done
24 that?
25 A He recommended that?

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1 Q Yes. Do you know why you have not done that?
2 A I don't know. I might have done that.
3 Q Tell me the psychiatrists that you have seen.
4 A The psychologist I seen was at the Michigan
5 Head Pain.
6 Q No. Tell me the psychiatrist you have seen;
7 not the psychologist.
8 A I don't remember.
9 Q Tell me about the psychotherapy you have
10 received.
11 A I don't even know what that meant, sir. Like
12 a lot of this stuff is --
13 MR. CHARFOOS: You're way over his
14 head, sir.
15 A That happened like a year ago. So he might
16 have recommended that and send me to a different doctor
17 and that doctor had a clinic up at Michigan Head Pain
18 Neurologists. They had everything there. So I don't
19 recall.
20 Q Dr. Sewick has everything in his facility.
21 Do you know why you didn't do it there?
22 A No.
23 Q Do you recall any physical injuries that you
24 sustained as a result of this event?
25 MR. CHARFOOS: He already testified

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1 about I think back.
2 Q And neck?
3 MR. CHARFOOS: Yes.
4 Q Anything else?
5 A Physical? I mean other than something
6 numbness but that might be a side effect from the pills.
7 Q I think it's pretty clear on the video tape
8 that you got punched in the face. Did you have any
9 physical sign of injury from that?
10 A Other than the like daze before that, after
11 that.
12 Q I want to know: Did you have any cuts,
13 swelling, abrasion, bruise; anything like that on your
14 face?
15 A The day after that. The day after that, yes,
16 I had.
17 Q At any time after you got punched did you
18 have any visible sign of that injury or of that event?
19 A I was bleeding. My lip was.
20 Q Your lip bled?
21 A My lip bled.
22 Q Upper or lower?
23 A I don't recall.
24 Q Did you have any bruising or swelling in the
25 face?

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1 A There was swelling.
2 Q Okay.
3 A And --
4 Q What side of your face; do you recall?
5 A No, I don't recall.
6 Q Did you have any dental damage to your teeth?
7 A I don't recall.
8 Q Have you seen any dentist for problems you
9 relate to November 19th, 2004?
10 A I don't recall. After that day I had
11 appointment with veneers.
12 Q Why?
13 A There was a new -- right by -- my friend's
14 dad's a doctor. He's a new dentist in there. So he said
15 I could have got you for cheap. I don't recall any time
16 me going. But I know the day of they said there was no
17 cuts or bruises or anything like that but I did have
18 bruises. And I did have -- like it was bleeding in my
19 lip. Nothing like dramatic or anything but there was.
20 Q What can't you do today that you used to be
21 able to do before November 19th, 2004?
22 A Sometimes being in the store as long as I
23 could before. I could put a whole day in from seven
24 o'clock in the morning until ten o'clock at night. A lot
25 of stuff. I can trigger migraines. Lot of stuff will

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1 trigger it. Sometimes I don't want to drive just because
2 it's at nighttime.
3 Q Let's take them one at a time. Let's talk
4 about the store first. How many hours a week are you
5 working currently?
6 A It all varies.
7 Q Well, ball park it.
8 A I said this last time.
9 Q Today is Friday, right?
10 A Yes, yes.
11 Q Correct?
12 A Yes.
13 Q Monday through Thursday this week how many
14 hours did you work?
15 A Roughly about 20, 30, 20.
16 Q Was that every day or was that not on every
17 day?
18 A Every day.
19 Q Was that 20 spread out over four days or was
20 it one day, two days, whatever?
21 A It was three or four days or the whole week
22 basically.
23 Q Why didn't you work more than 20 hours this
24 week?
25 A Earlier this week I wasn't feeling too good,

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1 like Monday, Tuesday. I was in the store -- whenever I
2 feel good I'm in the store but I'm in the store every day
3 because, you know, we stay right next door to it.
4 Q Do you have any plans on leaving your
5 parents' home or the Burt home?
6 A Yes. We were actually in the process of
7 selling this.
8 Q Selling what?
9 A The store now.
10 Q Burt Enterprises?
11 A Yes. The Burt Enterprises. We were going to
12 move down to Ann Arbor -- not Ann Arbor but Auburn Hills.
13 Q You mean the whole family? When you say
14 we're going to move, who is we're?
15 A My parents.
16 Q So you plan on still living with your
17 parents?
18 A Correct.
19 Q You don't plan on being independent of your
20 parents?
21 A No. I plan on it.
22 Q When do you think that might happen?
23 A Whenever the day is.
24 Q Well, what are you waiting for to become
25 independent of your parents?

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1 A Save some money.
2 Q Save some money.
3 A Move out. I mean I love my parents. I would
4 stay there as long as I could.
5 Q Who doesn't love their parents?
6 A My mom and dad are older.
7 Q As long as they're paying for everything I
8 would love my parents too.
9 A It's not about the money. I love them.
10 Q I'm just teasing you. You're not in a rush
11 to leave but you want to become independent some day of
12 your parents, correct?
13 A If I ever get married. If I don't I rather
14 stay there and help out.
15 Q When they sell the store in Burt are they
16 going to buy a new store in Auburn Hills or are they
17 going to just run the store your brother-in-law is
18 running now?
19 A My dad is retired. So, no, they would
20 probably move down to Detroit or, you know, Auburn Hills
21 and whatever. They need work in the store, you know,
22 say. My mom and dad would go and help out but, no, they
23 wouldn't work in the store.
24 Q Your dad is not going to start another
25 business when he moves to Auburn Hills?

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1 A No, he's not.
 2 Q You plan on moving with him when they move?
 3 A Correct, but the business in Auburn Hills is
 4 his but my brother-in-law runs it.
 5 Q So you wouldn't continue your cellular phone
 6 business after your parents move?
 7 A You mean the whole store? I don't just do
 8 cellular phones.
 9 Q You wouldn't continue at least your cellular
 10 phone aspect of it and still work for Simplicity selling
 11 phones?
 12 A If the business was good down in Auburn Hills
 13 I thought then, yes.
 14 Q Would you do that out of the store that is in
 15 Auburn Hills?
 16 A Or find a different store or maybe go out of
 17 the store, yes.
 18 Q So what do you plan for your future then;
 19 moving down with your parents. If your parents sell it
 20 and you move to Auburn Hills, what are your future plans?
 21 A Probably to work with my brother and
 22 brother-in-law.
 23 Q In the store down in Auburn Hills?
 24 A Yes.
 25 Q And save money to move out and get married

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1 and start a family?
 2 A Basically.
 3 Q So we talked about your work. What about --
 4 you said driving is different now than it was before
 5 November 19th, 2004. How is driving?
 6 A If I have a bad migraine I don't drive. So
 7 maybe if we have to go somewhere I have somebody drive,
 8 like maybe my dad or one of my cousins.
 9 Q You don't get to go to Pistons games anymore
 10 because you're banned from the Palace, right?
 11 A Yes.
 12 Q So that's a big difference before
 13 November 19th, 2004, correct?
 14 A Yes.
 15 Q Has that caused you a certain amount of
 16 aggravation that you can no longer watch Pistons games in
 17 person at the Palace?
 18 A No.
 19 Q Doesn't bother you at all?
 20 A A little.
 21 Q Well, you were a huge fan before, right?
 22 A Yes.
 23 Q You had season tickets. You had Pistons
 24 memorabilia?
 25 A Yes.

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1 Q You had Pistons jerseys, right?
 2 A I save a lot of money not going to those
 3 games. That's the good thing.
 4 Q So driving. You can't go to Pistons games.
 5 A Work is -- you know work.
 6 Q You don't work as much as you did before.
 7 How else is your life different today and what kind of
 8 things can't you do today that you were able to do before
 9 November 19th, 2004?
 10 A How I would -- repeat the question.
 11 Q How is your life different today than it was
 12 before November 19th, 2004?
 13 MR. CHARFOOS: Other than the Pistons
 14 games and work.
 15 Q Other than what you already told me. I don't
 16 want you to assume that there has to be something else.
 17 A We ran over this probably four or five times.
 18 Q No, we didn't. We have never gone over this.
 19 MR. CHARFOOS: I think we have but go
 20 ahead.
 21 A I mean in the records we have.
 22 MR. CHARFOOS: Depression; not happy.
 23 Q I'm not talking about your physical injuries.
 24 We're not clear here. I'm talking about your activities
 25 of daily living. How it's -- what you do from the time

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1 you get up in the morning to the time you go to bed;
 2 different than what it was before November 19th, 2004?
 3 I have gone, already gone over your
 4 complaints. I want to know how it impacts you on a daily
 5 basis.
 6 A Okay, okay. Just waking up. Not wanting to
 7 go back to sleep. No too happy about getting up in the
 8 morning.
 9 Q I want to know what activities that you can't
 10 do.
 11 A Go outside; bright, be out in the sun.
 12 Q Hold on a second. Today is March or May --
 13 A April 28th.
 14 Q It's April 28th. You drove here by yourself.
 15 There's not a cloud in the sky. The sun is shining
 16 brightly outside.
 17 A I drive.
 18 Q Would you agree with that?
 19 A Yes, I would.
 20 Q Would you agree that you have been outside a
 21 couple times since we have been here?
 22 A I agree. I don't have a migraine either.
 23 Q So?
 24 A So I'm saying if I had a bad migraine, if I
 25 couldn't really tolerate anything basically if I have a

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1 bad migraine. I go shut the lights off or go to sleep
2 majority of time or go just basically read a book or
3 something.
4 Q Let me ask you this question. When you're
5 not having a migraine is your life normal -- strike that.
6 When you're not in the throws of a
7 migraine or experiencing a migraine, is your life in terms
8 of what you do on a daily basis the same as it was before
9 November 19th, 2004?
10 A No. With no migraine, with not being
11 depressed and with not feeling about, feeling about like
12 just after all that stuff we discussed on record. Yes.
13 It was normal.
14 Q When you're having those problems, when
15 you're having a migraine you go to sleep. You try and go
16 to sleep, is that what you're saying?
17 A Yes.
18 Q I thought you told me earlier you can't sleep
19 when you are having a migraine?
20 A I don't understand. You talk too fast and
21 you're quick with your answers.
22 Q I'll slow down. What do you do during the
23 course of a day when you're having a migraine?
24 A I won't be in the store. I'll just relax.
25 If I take some kind of pill, I probably take a muscle

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1 relaxer and I probably just relax. Helps to prevent it.
2 Depends how big the migraine is. Some days I can
3 probably just kind of like mellow it out and work around
4 it. But other days I can't. If it's real bad I can't.
5 Q How many times a month does that happen to
6 you?
7 A Where I can't tolerate it?
8 Q Right.
9 A And I would be at -- probably it all varies
10 but roughly a week, about two, three times a week. Some
11 weeks are different like I said.
12 Q Okay. And then does the depression accompany
13 the migraine or do you have the depression effecting what
14 you do on a daily basis?
15 A The depression is every day.
16 Q So what does the depression prevent you from
17 doing on a daily basis if anything?
18 A I'm just not happy with life. I would rather
19 be -- sometimes I feel, like I told the psychologist, I
20 would rather see myself dead or just looking at myself
21 not being alive or it was a lot easier. Just not being
22 happy. Sometimes when I see my nieces I'm always happy
23 with them. Sometimes I'm not very -- like playing with
24 them. So I don't know if that's depression or that is
25 some times the side effects or what it was.

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1 Q You have suicidal ideations? Means you have
2 ideas of suicide.
3 A I don't have ideas of it. I think of it a
4 lot.
5 Q I guess that would be an idea. You think
6 about killing yourself?
7 A No. I think about myself dead.
8 Q Because you want to be dead?
9 A I don't know.
10 Q And you have told your psychologist this?
11 A I told her once. But it's something I don't
12 bring it up because some times I want to forget about it.
13 I don't know if that is something -- I'm not happy about,
14 you know, a lot of stuff.
15 Q In the course of a week how many days --
16 A Every day, four times a day.
17 MR. CHARFOOS: Let him ask the
18 question.
19 Q Every day four times a day?
20 A If you were going to say how many times do
21 you think of it.
22 Q No. I wasn't going to say that.
23 A Oh.
24 Q So every day four times a day you think of
25 being dead?

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1 A Every day I think of it a lot. I think of
2 myself being dead or me just thinking about being like in
3 heaven or anything. You know, something like that. I
4 think of it a lot. Just because I don't know if it's
5 side effects or like how I am now or -- I'm a different
6 person.
7 All this stuff. I look at this stuff
8 and just think about having my normal life back and a lot of
9 the stuff -- even when I talk to people or when I'm normal,
10 me talking to customers, I'm not very happy. I'm not
11 aggressive. I'm not -- people I see sometimes don't want to
12 be around me.
13 Q This occurs every day you're telling me,
14 correct?
15 A Some days. Some days not.
16 Q So some days you don't have depression?
17 A Well, every day I think of it. But some
18 days.
19 Q Okay. How many days a week do you think that
20 you have good days?
21 A I don't know. It all varies.
22 Q Do you ever have any good days?
23 A Yes, some days.
24 Q How many times a week do you think you have a
25 good day?

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1 A Maybe a good day, that will last six, seven
2 hours and then maybe first two, three hours a day wasn't
3 that good.
4 Q Are there any physical activities you don't
5 participate in any more because of November 19th, 2004,
6 such as recreational sports or something?
7 A I will go out and play basketball but I mean
8 I can't go for awhile or anything. I can basically do
9 everything if I really don't have a migraine. I can do
10 anything most of the time.
11 MR. CHARFOOS: Next?
12 MR. POTTER: I'm going to defer.
13 EXAMINATION
14 BY MR. HAMIDI:
15 Q Mr. Haddad I have a couple questions for you.
16 You have got a cell phone in your car right now?
17 A Yes.
18 Q Do you own more than one cell phone?
19 A No.
20 Q How long have you had the cell phone that you
21 have in your car now?
22 A Three days.
23 Q Is there a reason why you got a new phone in
24 the last three days?
25 A The other one dropped in the water.

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1 Q Where did that happen?
2 A In my house.
3 Q In the sink?
4 A Toilet.
5 Q Do you know what kind of phone you have right
6 now?
7 A Boost.
8 Q Can you set the ringers on that phone,
9 different types of ringers?
10 A Can you set them? Yes, I guess.
11 Q What kind of ringer do you have set on the
12 phone now?
13 A I -- whatever the standard ring tone is but I
14 got it on vibrate.
15 Q Can you change the ringer and add different
16 songs to the ringer or music to the ringer?
17 A Can you put like words on them?
18 Q Yes.
19 A Yes, you can do it but I put mine on vibrate.
20 Q Who is your cell phone provider?
21 A Boost, which is like a two way. It's a
22 Nextel.
23 Q What is your telephone number?
24 A 989-233-1335. But that one dropped in the
25 water. I'm waiting for me to get a different phone.

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1 This Boost number, I don't know the number to it.
2 Q If I wanted to call your phone right now what
3 number would I call?
4 A I would have to call my brother or my parents
5 and ask them if anybody calls me or check my voice mail.
6 Q So --
7 MR. POTTER: So it's a temporary
8 phone until you get a new one?
9 THE WITNESS: Correct. That 233
10 number is my standard.
11 MR. POTTER: That's your permanent
12 number?
13 THE WITNESS: Yes. But I had that
14 number for about two, three months.
15 MR. POTTER: Are you going to keep
16 that number when you get your new phone?
17 THE WITNESS: Yes. That's the number
18 they're going to set me up.
19 MR. POTTER: What's the number again?
20 I'm sorry.
21 THE WITNESS: I gave it to you last
22 time.
23 MR. POTTER: It's the same number you
24 gave last time?
25 THE WITNESS: Yes.

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1 MR. POTTER: Okay. Fine. Thanks.
2 Q You are not going to be signing a new cell
3 phone contract when you get the number reassigned or are
4 you? Who is the cell phone contract going to be with?
5 Is it going to be through Boost?
6 A Yes, Boost. It's a prepaid company, sir.
7 Q Can you tell me what kind of beverages you
8 drink through the day? I see you have water in front of
9 you. What else do you like to drink?
10 A Mostly water.
11 Q That's it?
12 A Coke, Diet Coke or Sprite. Diet. That's
13 usually when I eat or just going out I have a Coke or
14 something different.
15 Q Do you drink tea or coffee?
16 A No. Sometimes cappuccino if it's in the
17 morning.
18 Q You make it yourself?
19 A No. We have a machine.
20 Q Did you say you usually drink Coke or Diet
21 Coke with meals?
22 A Yes.
23 Q How many do you have with a typical meal?
24 A One. Maybe one. If I go out I'll have a
25 Diet Coke, just to have something different. Maybe enjoy

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1 myself or something.
2 Q Are you taking any -- you talked a lot about
3 the prescription medication you're taking now and you
4 took in the past. Are you taking anything you can buy
5 over the counter currently?
6 A You mean like Advil? Sometimes if the
7 medications is not around.
8 Q So you take Advil currently. What do you
9 take that for?
10 A My headaches. That is if the Reflection or
11 if I see a migraine is coming I will take that, just kind
12 of like prevent it. But I got medication for all that
13 stuff. I mean I don't carry it around because there's a
14 lot of medication.
15 Q Do you have Advil with you right now?
16 A No.
17 Q What was in that little tube that you opened
18 earlier? Are their pills in there?
19 A Yes.
20 Q Do you know what is in there?
21 A Yes. That's a sleeping pill. That's
22 Sinequan and that's anti-inflammatory one, so I don't
23 throw up.
24 Q That was -- the middle one. You said there
25 was a sleeping pill?

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1 A That's Sinequan and the other one is
2 anti-inflammatory. And I got the one it was called, I
3 think it's called Baclofen. I'm going to get the name
4 for you because this is annoying me.
5 Q You have a pill in there for nausea?
6 A Right.
7 Q When do you typically take the Sinequan?
8 A Sinequan is if -- to prevent me. It helps me
9 sleep. I don't -- I try not to take it because I don't
10 want to get addicted to it. I just want to sleep by
11 myself.
12 Q When do you usually take it?
13 A Ten o'clock, eleven o'clock.
14 Q Is there a reason why you are carrying it
15 around during the day?
16 A I just have it in there. I'm not at my
17 parents' house. I got a big family. So I'm usually at
18 my brothers, my cousins or I got a lot of nieces. I got
19 probably like 15, 20 little kids, little one, two year
20 olds running around. I go over their house.
21 Q How old are those kids?
22 A They're all under four.
23 Q How many are there?
24 A There's a lot of them. I don't know.
25 Q How often do you go?

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1 A I try as many times as I could.
2 Q There's about ten of them?
3 A Yes. Between my cousins and my sisters and
4 brothers.
5 Q How often do you see them?
6 A I try as many times as I could. Like I don't
7 know. It might vary. Like I was in state last week and
8 I stayed at my brother's house.
9 Q You say maybe two times a week. Is that kind
10 of a fair average?
11 A Yes.
12 Q Do you play with them?
13 A Yes. I made -- my sister lives with us and
14 she, her little one is one years old. She's going to be
15 two next week.
16 Q Do you like your nieces and nephews?
17 A Yes, of course.
18 Q Do they like you?
19 A Somewhat. A lot of them are going through
20 the terrible twos, so it's hard to put up with the
21 screaming, you know.
22 Q You wear glasses?
23 A Yes, contacts and glasses.
24 Q How long have you worn glasses?
25 A Since elementary school.

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1 Q Do you know if you're nearsighted or
2 far-sighted?
3 A I think I'm near.
4 Q So you can see things close up no problem but
5 if you have to look far away things are blurry?
6 A Yes. That was the last time I had glasses
7 on. Usually on bright days I put my glasses on because I
8 have the shades with them. I didn't take them down to my
9 brother's. I have my contacts.
10 Q So you don't have your sunglasses?
11 A I have sunglasses in the car, yes.
12 Q What kind are they; are they prescription?
13 A My glasses are prescription. The sunglasses
14 I got, they're like five dollar sunglasses from the
15 store.
16 THE WITNESS: Need something to eat,
17 huh?
18 MR. CHARFOOS: Wait for a question.
19 Q How long have you been wearing contact
20 lenses?
21 A Couple years now.
22 Q Any of the doctors that you have seen
23 recommend that you stop wearing contact lenses?
24 A Not that I remember. Not that I recall.
25 Q Have you ever had any problems with your eyes

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1 because you were wearing contact lenses; any infections
2 or irritations of the eye?

3 A Maybe once or twice maybe just because it was
4 red eye and I had to get some kind of like drops in
5 there, I know. But other than that nothing. Like I had
6 like be without contacts for awhile, you know. There has
7 been days when I had to take my contacts out for the
8 whole day.

9 Q Nothing that resulted in the doctor telling
10 you to discontinue wearing them for a long period of
11 time?

12 A No.

13 Q What kind of contacts do you wear; soft or
14 hard?

15 A Soft.

16 Q Do you have to take them out every night or
17 can you wear them for --

18 A You had to take them out. They were like --
19 every like at least two weeks. But I take them off every
20 day.

21 Q You take them off every night?

22 A Yes. It's more refreshing. Helps me so it's
23 not so dry at nighttime.

24 Q You talked about taking some Advil to take
25 the edge off when you feel a migraine coming on. How

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1 many pills do you take a day, the over the counter?

2 A Over the counter? Not that many.

3 Q What does that mean? I don't know what that
4 means.

5 A Not really. Within a week, maybe once. I
6 try not to. If I'm not around my original pills from the
7 doctors, I won't take it.

8 Q So you take maybe Advil once a week. How
9 many pills are you taking each time?

10 A Maybe four Advils.

11 Q Four at a time?

12 A Yes.

13 Q Do you have a membership to a gym or a
14 fitness club?

15 A I did but I never went.

16 Q Is it still active now?

17 A No, I don't think so.

18 Q Where was it at?

19 A Power House.

20 Q Where is the Power House located?

21 A In Saginaw.

22 Q When was the last time your membership was
23 active?

24 A Probably before all this, before November. I
25 don't recall. I mean I went probably once. Maybe one of

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1 my friends told me: Do I want to go and I said: Yes,
2 let's go. Maybe I went there and I didn't like it so I
3 walked out.

4 Q Did you sign up for a membership over a
5 period of years or months?

6 A No, no. I paid the five dollar or ten dollar
7 fee.

8 Q You would have gone before the incident at
9 the Palace?

10 A Correct.

11 Q Only once?

12 A Maybe once or twice.

13 Q You haven't gone back since?

14 A No.

15 Q Have you gone anywhere?

16 A I got it by my house. We have a fitness
17 room. I try getting up and just like walking, walk a
18 good 10, 15 minutes a day.

19 Q In your house you have a fitness room?

20 A Yes, basically like a treadmill and we don't
21 have weights but we have -- like everything is free
22 weights.

23 Q Do you try to use that stuff on a daily
24 basis?

25 A Every day that I feel like. Maybe I'm just

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1 kind of like tired or something. Like getting up in the
2 morning maybe I will walk like five minutes, you know.
3 Time I just kind of get the day going.

4 Q Does that help to wake you up?

5 A Sometimes.

6 Q Do you know how far you're walking?

7 A No.

8 Q You said there's weights there as well. What
9 kind of weights?

10 MR. CHARFOOS: No weights. There's
11 no weights but it's just like --

12 Q Is there a cable machine?

13 A Yes, cable machine.

14 Q Do you use that as well?

15 A No. Only if I'm going to do like a couple
16 push-ups. But nothing because I don't really do that no
17 more.

18 Q Who uses the fitness room?

19 A My brother-in-law. It's not really a fitness
20 room. It's just like another room with just weights and
21 stuff in it, that has all that stuff in it. The Body by
22 Jack and all that. We're all overweight in the family,
23 you know. We have all these stores and delis, so we're
24 all like --

25 Q You say most of your family is overweight?

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1 A Most of them.
2 Q Dr. Sewick, has he called you in the last six
3 months to schedule a follow-up appointment?
4 MR. CHARFOOS: He hasn't. I already
5 told Mr. Potter he has a follow up appointment in
6 June, I think.
7 MR. POTTER: With Sewick?
8 MR. CHARFOOS: Yes. I told you.
9 Q When are you seeing Dr. Sewick?
10 A Sometime in June.
11 MR. CHARFOOS: Ask Pat. She'll
12 remind him.
13 Q Did you call to make the appointment or were
14 you told you were going to be seeing Dr. Sewick?
15 A I called and asked when was my appointment.
16 Q You called who?
17 A Dr. Sewick. I get everything through Larry,
18 through the checkup on through here. Basically he sent
19 me the package to the checkup on. Dr. Sewick sent me the
20 paper, do a check. He said, he told me he is going to do
21 the six month checkup.
22 Q When did he send you a package?
23 A I mean it comes with Larry's stuff. I mean I
24 don't recall.
25 Q What was in the package from Dr. Sewick?

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1 A If it was maybe just like an address and the
2 next scheduling date when we would have, to the next
3 appointment.
4 Q Did you personally call Dr. Sewick's office
5 or did someone from Dr. Sewick's call you directly to
6 schedule the appointment for June?
7 A I'm very hard to reach.
8 MR. CHARFOOS: No, it's through this
9 office, Counsel.
10 Q Do you understand?
11 MR. CHARFOOS: It's through this
12 office.
13 A This office deals with Dr. Sewick. The
14 lawyers.
15 Q So then the answer is no?
16 MR. CHARFOOS: The way you worded it,
17 you gave him a choice that didn't include that.
18 You said did Sewick call or did he call Sewick.
19 It's through this office.
20 A Neither.
21 Q Is what your attorney just put on the record
22 accurate, as far as you know?
23 A Yes.
24 Q Can you tell me who your dentist is?
25 A Dr. Mashney. Well, he's my uncle. Who did

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1 my, the most recent is John Mashney. And who did my
2 veneers was Paul Danek.
3 Q What's the last name?
4 A D-a-n-e-k.
5 Q Where is Dr. Danek?
6 A Out of Birch Run.
7 Q Where is Dr. Mashney?
8 A Out of Lansing.
9 Q When was the last time you saw Dr. Danek?
10 A I had appointment today. I had to miss it
11 for you guys but before that a month, two months ago.
12 Q What's he doing for you two months ago?
13 A This checkup on the -- if he sees anything
14 different with my, you know, my mouth, my teeth or any
15 swelling or bleeding or anything. My veneers need
16 cleaning.
17 Q Did you see Dr. Mashney or Dr. Danek
18 immediately after or within a few weeks of the incident
19 at the Palace?
20 A I don't recall. I don't remember.
21 Q Is Dr. Mashney the father of a friend?
22 A He's my dad's cousin. My uncle.
23 Q I think you testified earlier there's a
24 doctor you see that is a father of one of your friends.
25 A Paul Danek. He's my friend from high

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1 school's dad.
2 Q What friend is that?
3 A Tyler Danek. He's like a friend, his
4 brother. So he's like a friend of the family. That's
5 why I only went to him to do the teeth because he was
6 having like a new business in the area. And he's a lot
7 closer than Lansing. He's only like a five minute drive.
8 Q Is Dr. Mashney the dentist that you go to to
9 get like your fillings put in or your regular six month
10 check up?
11 A Between them two. One of them two. Whatever
12 is more convenient, you know.
13 MR. CHARFOOS: There's no question.
14 Q Who is more convenient to see; Dr. Mashney or
15 Dr. Danek?
16 A Whenever there's an opening in the schedule.
17 Q When was the last time you saw your eye
18 doctor?
19 A Couple months ago.
20 Q Who is your eye doctor?
21 A I just changed it.
22 Q Who is it now?
23 A He's out of Chesaning.
24 Q Do you know his name?
25 A No, I don't. I can get the information for

24 (Pages 250 to 253)

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1 you. It's on Chestnut Road.
2 Q Is it like a DOC or one of those?
3 A I get my glasses through DOC in Saginaw but
4 the one out of Chesaning. I don't recall. They got the
5 contacts that I wanted. And these contacts are a lot
6 more comfortable on my eyes.
7 Q You can get the information about who that
8 doctor is in Chesaning to your attorney?
9 A I can get it today if you want.
10 MR. CHARFOOS: We'll do it. We'll
11 get it.
12 Q Other than Dr. Sewick, do you have an
13 appointment with any of your doctors scheduled, that are
14 scheduled to take place after today?
15 A The one in Frankenmuth. I want to continue
16 with that. So they're just waiting for a transcript to
17 be faxed by the Michigan Head Pain.
18 Q Do you have something scheduled out of those
19 two facilities right now?
20 A A rough schedule. They said sometime in May
21 I should be able to go to them for both places. But the
22 Frankenmuth place I go to is basically massaging like the
23 tense spots in the neck or the head. So it helps me
24 sleep a little better. So I don't have to take so much
25 medicine.

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1 Q You testified earlier that you worked
2 approximately 20 hours this last week?
3 A Within a week, yes, roughly.
4 Q Is that what you basically average is about
5 20 hours a week?
6 A It all varies; 20; 40.
7 Q Sometimes 40?
8 A Sometimes. It all varies. If I'm doing good
9 the whole week I can work 60 hours, you know.
10 Q So there's some weeks that you can work 60
11 hours?
12 A Sometimes I can work 50 hours.
13 Q How would you characterize this last week;
14 was it a week you could have worked 60 hours if you had
15 to?
16 A No. It was like a couple weeks before that.
17 I don't know what week it was. I felt good the whole
18 week where I was in the store every day and I was doing
19 everything and the week after that I threw up. Like I
20 was telling him, I was drowsy. I didn't feel like doing
21 anything. It all varies. Maybe it was the weather
22 change. Maybe it was --
23 MR. CHARFOOS: You're guessing.
24 (Deposition Exhibit No. 1 marked for
25 identification.)

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1 Q When was the last time you received a
2 paycheck from Burt?
3 A I just get -- like my dad put it in the bank,
4 whatever he feels he owes me. If I worked the whole week
5 he just puts money in the bank. If I need money I take
6 whatever out and we worry about that at the end of the
7 week.
8 Q You say he puts money in the bank?
9 A Yes. If I worked this week he said he will
10 put three, 400. If I work barely he will put in 50. My
11 dad is very strict about his money. It's not just
12 considered a paycheck. I get a paycheck but it all
13 varies every week. But the last paycheck was last
14 Monday.
15 Q How much was that?
16 A I don't know. I think it was a couple
17 hundred.
18 Q For what period of time was he paying you?
19 A I don't know.
20 Q How often do you get paid?
21 A Every week, every couple weeks. I don't
22 know. Every week.
23 Q Every week what do the paychecks range in
24 amounts?
25 A I will take whatever I want. If I needed

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1 like 200 out of the till or 300 I write it down. We'll
2 just worry about it later at the end of the week or every
3 other week or something.
4 Q I don't know what that means.
5 A I took 300 out. Basically I owe him 300
6 bucks. If I took 50 out and I needed it for like
7 whatever the cause is and we worry about it at the end of
8 the week. So really I don't know how much my paycheck
9 is. My dad is very reasonable with my money. Like I owe
10 him a lot of money now.
11 Q You get paid on a weekly business or
12 sometimes every two weeks. On the amount your dad is
13 paying you out of a check -- does he pay you in a check
14 or cash?
15 A Check.
16 Q He pays you an amount in a check. From that
17 he is deducting whatever you have taken out of the till?
18 A Correct.
19 Q So if we look at your paychecks we wouldn't
20 know precisely what you're making at the end of the year.
21 If we look at your paychecks for the last 12 months we
22 wouldn't know how much you were getting paid because your
23 dad is setting off out of the till when you're working?
24 A I would know if I would look at them.
25 Q If you look at your paycheck you would know

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1 how much your dad deducted?
2 A Yes. I look at that. Couple years I made 20
3 grand or year before that I made five. Year before that
4 I made seven.
5 Q When did you make 20 grand; what year was
6 that?
7 A I don't --
8 MR. CHARFOOS: In his dreams.
9 A November. I don't know. Like I know the
10 year in 2004 I was doing good. Then in 2003 I was
11 decent.
12 Q I don't know, when you say good and decent.
13 A I know I was making more money. Like in 2004
14 I was probably making -- I probably made 15 to 20 grand.
15 Q In 2004?
16 A Yes.
17 Q How much did you make in 2003?
18 A Probably like around ten grand. That's
19 probably like -- that's about a year or two after high
20 school. Then just recently here it's -- I don't know.
21 It's -- 2005 is probably like a little bit lower.
22 Q Little lower than what?
23 A Probably like eight grand, six grand.
24 Q Six to eight grand for the entire year?
25 A Five to ten grand.

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1 Q Is it six to eight or five to ten?
2 A It may be five to ten. I don't know. It all
3 varies.
4 Q Is this the amount that --
5 A I'm losing a lot of stuff. I'm losing
6 benefits. I'm not getting that much free gas with it.
7 I'm not getting a lot of stuff with it. Like now since,
8 if there's anything new comes out, like I'm not going --
9 instead of me going my sister is going or my
10 brother-in-law. Like if there's shows in Chicago my dad
11 used to say: Here is some money and he paid the whole
12 vacation and everything. That was a benefit I was
13 getting. Now I'm not getting those benefits.
14 Q You're still working for your dad, right?
15 A Yes.
16 Q Why wouldn't you get those benefits?
17 A I am. I'm not working that much. So he's
18 giving it to people who are working more.
19 Q Was that considered part of your pay; the
20 benefits that your dad --
21 A Yes. Like with that I was getting a car. I
22 was getting, you know, gas and everything. I had an
23 Escalade two years ago. Now I'm just driving whatever
24 car I can have.
25 Q You were saying you were driving an Explorer

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1 today?
2 A Yes. That is my mom's car.
3 Q Do you have your own personal car?
4 A No. I usually drive the van. It's a 1994
5 van. And that or there's a Cadillac truck, not truck but
6 Cadillac car.
7 Q Any of these vehicles registered in your
8 name?
9 A I think the Cadillac car is.
10 Q So is that considered your car?
11 A Basically.
12 Q Do you have health insurance?
13 A Yes.
14 Q Did you have health insurance in 2004?
15 A Yes.
16 Q Did you have health insurance at the time
17 that you were involved in the incident at the Palace?
18 A I don't recall.
19 Q Well, do you recall a time in 2004 when you
20 didn't have health insurance?
21 A You mean like Blue Cross? Yes.
22 Q Whatever your health insurance is. Who pays
23 for your health insurance?
24 A My parents.
25 Q Are you on --

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1 A I do.
2 Q Are on your parents' policy?
3 A Yes. We're on like a joint plan. Yes.
4 Q Are you still on that plan?
5 A Correct.
6 Q It is Blue Cross, as far as you know?
7 A Blue Cross/Blue Shield.
8 Q That hasn't changed in the last three years?
9 A No, it hasn't changed the name. It's under
10 his, Frank Haddad. My dad.
11 Q Do you have dental coverage?
12 A No, I don't know. I don't remember.
13 Q What about optical; do you know?
14 A No. I don't know what's on the policy.
15 Q Well, when you go to the eye doctor how much
16 do you have to usually pay? Do you have to pay hundreds
17 of dollars or do you pay like ten or \$20?
18 A I mean in the last time I went I paid a
19 couple hundred.
20 MR. HAMIDI: That's all I have.
21 Thanks.
22 THE WITNESS: You're welcome. Thank
23 you.
24 MS. PALACIOS: Could we take a break
25 for a minute.

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1 (Brief recess.)
2 MS. PALACIOS: Back on the record. I
3 just have a few short questions for you.
4 EXAMINATION
5 BY MS. PALACIOS:
6 Q When did you have your dental veneers put on?
7 A Well, it was in the process during all that.
8 So it was probably --
9 Q During all what?
10 A It was 2005.
11 Q It was in 2005?
12 A Yes.
13 Q What months did you start?
14 A 2005 or 2004.
15 Q A month?
16 MR. CHARFOOS: He's guessing.
17 A I'm guessing. I don't recall. I had them
18 for a year or two.
19 Q You have had them for a year or two. Do you
20 remember what months? Was it fall, winter, spring?
21 A No, I don't. Whenever that new business was
22 done when Dr. Danek's new business was open. So whenever
23 his business was open I put them on that day.
24 Q You were a patient within the first month of
25 his opening?

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1 A In the process of him opening I was a
2 patient.
3 Q When you had your dental veneers placed on
4 did that happen over a series of visits?
5 A Yes.
6 Q How many visits?
7 A About three, four. Two, three.
8 Q After those visits or after the process was
9 completed did they prescribe any sort of medications for
10 pain?
11 A I don't know if he asked me but I probably
12 would have told him I had everything.
13 Q So the dentist didn't give you any
14 prescriptions for pain medication?
15 A I don't remember. No. I don't think he did.
16 Q Did you want add to something else?
17 A I don't think he did.
18 MR. CHARFOOS: I don't think he did.
19 Q Okay. When did you reach your adult weight?
20 A What does that mean?
21 Q I said when did you reach your adult weight?
22 MR. CHARFOOS: That's a lady's
23 question. We guys don't talk that way.
24 A I don't know, three years ago, four, five,
25 six.

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1 Q You weighed about what once you reached --
2 A Between 220 to 230 to 260.
3 Q So your --
4 A 30 pounds here and there.
5 Q Your weight fluctuates a lot naturally?
6 A No, it don't, but I don't really know what my
7 adult weight is. When I took Topamax, Topamax made me
8 lose right away, like 20, 30 pounds. So if that's
9 considered adult weight, you know. When I was over, I
10 never really like considered like going on a, like
11 exercising, lose wait or just being fit, you know. I
12 don't even understand the question. My adult weight. I
13 mean I'm guessing.
14 Q I think you answered it adequately. That's
15 it.
16 MR. POTTER: You don't have your
17 credit cards with you today?
18 THE WITNESS: No.
19 MR. CHARFOOS: All done.
20 MR. POTTER: I'm all done. Thanks.
21 MR. HAMIDI: I don't think I have
22 anything else.
23 (Deposition concluded.)
24 * * *
25

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1 CERTIFICATE OF NOTARY PUBLIC
2 State of Michigan)
3) SS.
4 County of Oakland)
5 I, the undersigned, do hereby certify that the
6 witness, whose attached testimony was taken before me in
7 the above-entitled matter, was by me first duly sworn to
8 to testify to the truth; that the testimony contained
9 herein was by me reduced to writing in the presence
10 of the witness by means of stenography; afterwards
11 transcribed; and that this is a true and complete
12 transcript of the testimony given by the witness.
13 I do further certify that I am not
14 connected by blood or marriage with any of the parties;
15 their attorneys or agents; that I am not an employee
16 of either of them; and that I am not interested, directly
17 or indirectly, in the matter in controversy.
18 In witness whereof, I have hereunto set my
19 hand.
20 _____
21 Nikki Hatz, CSR-2377
22 Certified Shorthand Reporter
23 Notary Public, Oakland County
24 My Commission Expires: December 9, 2007
25